

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 361 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SARLABEN N MASHROOWALA

Versus

AMC

Appearance:

MR ARUN H MEHTA for Petitioner

MR PRASHANT G DESAI for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 08/08/2000

ORAL JUDGEMENT

#. Heard the learned counsel appearing on both the sides. This appeal arises from the order passed by the Learned Aux. Chamber Judge, City Civil Court, Ahmedabad in Civil Suit No.4256/92 whereby the injunction granted in favour of the appellant has been vacated. There is a

consensus that the injunction in favour of the appellant originally granted at the time of filing of the suit in 1992 has practically operated till today due to the interim relief granted in the Civil Application filed in this Appeal. It is further stated at the bar that the Original Civil Suit is required to be heard and disposed as the same is ripe for final disposal and that in the meantime the appellant undertakes to maintain status quo in respect of the suit premises and not to use or further construct the disputed part of the property.

#. Under the circumstances, as the parties do not invite an order on the prima facie grounds made out and discussed at the interim stage, this appeal is disposed with the direction that the Original Civil Suit No.4252/92 shall be heard and disposed as expeditiously as possible and preferably within six months from today. The appellant shall maintain status quo as regards property, building and construction in question and shall neither further construct, alienate or put to any use the floors and parts of the building which are presently in the form of incomplete structure. With this order the appeal stands disposed with no order as to costs. R & P be sent back immediately.

kks